

PLANNING COMMISSION

Meeting Agenda

Monday, May 8, 2017

7:00 PM

City Council Chambers – 222 NE 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Tyler Hall

Commissioner Shawn Varwig

Commissioner Andrey Chernishov

1. **CALL TO ORDER**
2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
3. **MINUTES**
 - Approval of the March 13, 2017 Planning Commission Minutes
 - Approval of the April 10, 2017 Planning Commission Minutes
4. **NEW BUSINESS**
5. **PUBLIC HEARING**
 - a. Consider a request for a Minor Land Partition to partition 493 NE 3rd Ave to create separate lots for a single family home and a duplex. (**MLP 17-01 Pacholl**)
6. **FINAL DECISIONS**

(Note: These are final, written versions of previous oral decisions. No public testimony.)

 - a. **MLP 17-01 Pacholl** Minor Land Partition
7. **ITEMS OF INTEREST/REPORT FROM STAFF**
 - Next Planning Commission Meeting
8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
9. **ADJOURNMENT**

PLANNING COMMISSION WORK SESSION
Immediately following Planning Commission Meeting
Council Chambers
222 NE 2nd Avenue, 1st Floor

The Planning Commission will be meeting in a Work Session for a discussion about traffic in Canby, level of service standards, and triggers for traffic studies and mitigation with assistance from DKS & Associates the city's transportation planning consulting firm.

(Work Session is open to the Public and will be televised.)

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503-263-6287.

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, March 13, 2017
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Larry Boatright, John Serlet, Derrick Mottern, Shawn Varwig, Tyler Hall, and Andrey Chernishov

ABSENT: None

STAFF: Bryan Brown, Planning Director

OTHERS: Tom Scott, Scott Beck, Pat Sisul, Brian Kromer, Kris Hetteema, and Laurie Bergstrom

1. CALL TO ORDER

Chair Savory called the meeting to order at 7:00 pm.

2. CITIZEN INPUT – None

3. MINUTES

- a. February 27, 2017 Planning Commission Minutes

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Boatright to approve the February 27, 2017 Planning Commission minutes. Motion passed 7/0.

4. NEW BUSINESS – None

5. PUBLIC HEARING

- a. Consider a request for a Site & Design Review and Variance applications for a proposed 58-unit apartment complex on 2.5 acres located at 1203 & 1295 NE Territorial Rd. **(DR 17-02/VAR 17-01)**

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There were none.

Bryan Brown, Planning Director, entered his staff report into the record. This was a site and design review and variance application for property located on NE Territorial Road. The existing house on the back of the property would be removed and the house in the front was not part of the proposed project and would remain. A house to the west would also be removed. There were multiple tax lots that would need to be consolidated so nothing was built over tax lot lines. There was a trail to the east and to the south was an apartment complex. There was low and high density zoning in this area. He then discussed the site plan. There would be seven buildings with a mixture of two to three story buildings. They were proposing 58 units with a mixture of two bedroom and three bedroom apartments. They were slightly deficient in parking and had applied for a variance to address it. A traffic study was done and one recommendation was made to provide adequate throat length in the driveway for cars coming in off of Territorial to adequately get off of Territorial and to

accommodate more than one car wanting to exit at the same time. They needed to supply 35 feet for the driveway, which would eliminate two parking spaces. The applicant was supposed to supply 115 spaces and they were 7 spaces short. This included a 10% reduction since they were over a certain density. They were also asking for a variance on the requirement of no more than eight spaces in a row in a bank of parking spaces on site without an intervening landscape island. Staff recommended approval of the site and design review. There could be room to support a partial variance. There was emergency access through the Logging Road Trail. All the public utilities were adequate and could be made available to serve the site. He then reviewed the conditions of approval. Staff did not know if there was enough shielding on the light fixtures to prevent light trespass on the neighboring properties. One condition was for clearer information on the lighting. Another condition was that there was a prohibition of parallel on street parking on Territorial near the driveway due to site distance.

Commissioner Hall discussed the need for handicapped parking, although it might reduce the number of parking spaces even more.

Chair Savory was concerned about tenants being able to use the emergency access on the Logging Road since it was blocked by bollards. He was also concerned about adding more traffic to the already heavy traffic on Territorial in the peak times. He suggested a left hand turn lane going into the complex from Territorial going north to south. Mr. Brown said the traffic study did not indicate they were at the level and would not be at the level with this development to justify the need for that kind of improvement. The applicant was dedicating 10 feet of right-of-way adjacent to the site and was building a sidewalk on Territorial. Emergency access was focused on getting an emergency vehicle in and out, not on the tenants to escape.

Chair Serlet was concerned about the amount of growth happening in the Redwood area. The increased traffic needed to be addressed or there would be serious problems on Territorial.

Applicant:

Tom Scott, applicant, and Scott Beck, architect, discussed the site, surrounding area zoning, and site plan. They were proposing 58 units, 48 would be two bedroom and 10 would be three bedroom. There would be seven buildings, a recreation center, playground, plaza/patio area, benches, barbecues, and a pocket park near the Logging Road. There would be a landscaping buffer abutting the R-1 property. A six foot privacy fence would also be installed. There would be pedestrian connections from Territorial through the site and a series of access curb ramps and crosswalks. They were under the threshold that required two accesses for the development. There would be a hammerhead turnaround for fire trucks and there was a secondary access on the Logging Road Trail. They discussed the architecture of the exterior of the buildings which would be done in a craftsman architectural style. Regarding the variance to exceed the required eight contiguous parking stalls, there was an abundance of landscaping proposed in the parking areas which softened the parking up. They would lose more parking if it had to be broken up more for landscape islands. The Sequoia Grove development that was currently under construction asked for the same variance and it was approved. They had more landscaping surrounding their parking lot than the Sequoia Grove development and they had less units per acre. There was a need for high density residential units in the City. They had tried to maximize the number of units on the site, which did not meet the parking code. They had researched the parking necessary for this type of development and had looked at

what other cities did. Canby's Code was more stringent than other cities. They also did a parking analysis of how many parking spots they would lose in different scenarios. In their research, they found two and three bedroom units were the most desirable. They discussed how they could potentially meet the parking standards if the variance was not approved by replacing some two bedroom units with one bedroom units. There was opportunity for more handicapped stalls.

There was discussion regarding the width of the Logging Road Trail and where the bollards would be placed.

Pat Sisul of Sisul Engineering clarified the issue of the bollards at the Logging Road. The edge of the existing pathway in the Logging Road right-of-way was 16 to 17 feet away from the edge of the property line. If they wanted to widen the trail in the future, there was room in the existing right-of-way to do it. The bollards would be private bollards owned by the complex and would be placed on private property, 18 feet from the existing pathway. Originally they had tried to make a second driveway onto Territorial, but it was a busy street with a lot of pedestrians accessing the Logging Road Trail. The City did not want to have another access at that point. There was also a provision to have 100 feet between driveways that made it difficult to create a second access.

Opponents: None.

Neutral Testimony:

Laurie Bergstrom, Canby resident, was not opposed to this development. Her concern was parking. Most people had two cars and did not use their garage to park. This was a bedroom community where many commuted to work every day. She thought the 58 units required 116 spaces and 11 extra spaces for guests. The application did not take into account guest parking and there was no other place to park except for in the nearby residential neighborhoods. She thought the units should be scaled down to create sufficient parking for the residents.

Rebuttal:

Mr. Scott understood they were a bedroom community and that Canby was different from a lot of jurisdictions. He thought the Code needed to be looked at as he thought it was too stringent. They were trying to maximize the number of units, which had been stressed as a need by the City. They were willing to add one bedroom units to meet the parking requirements.

Mr. Beck said the Code required 20% of the parking for visitors and that was taken into account in the parking proposed. He had worked on a number of projects in this area and a lot of jurisdictions required less for parking than Canby did. He thought a happy medium was 1.75 or 1.8 parking spaces per unit as a bottom threshold, and they were at 1.86.

Chair Savory closed the public hearing.

Commissioner Serlet said another issue was the school children residing in these apartments, and how school buses stopped both lanes of traffic to load and unload. He thought congestion on Territorial would become an issue in the future.

Chair Savory thought this was a nice development. However, taking the totality of what was going on with other developments, particularly along Redwood, it raised a lot of red flags on the traffic issue. That was not in the Commission's purview for this application, however, as they had to make sure the application met the criteria.

Commissioner Boatright understood the concerns regarding the traffic on Territorial and only having one entrance. The emergency entrance satisfied the Fire Department. The complex had a lot of space between apartment buildings. He thought the parking would be a problem even if they had all of the parking spaces, and did not think the parking was a good enough reason to deny the application.

Commissioner Varwig wanted to see more handicapped stalls.

Commissioner Chernishov thought they should have the applicant follow the traffic study's recommendation for the throat length in the driveway.

Commissioner Mottern thought there would be a lot of congestion with only one entrance and exit and they should follow the traffic study's recommendation. He thought parking was an issue and that one bedroom units should be added. He was fine with the variance on the landscape islands to allow more parking.

Commissioner Hall agreed about the islands. However, he thought parking would be an issue. Most people had two cars per household no matter how many bedrooms were in the unit. Typically apartments only gave residents one parking spot and it was sometimes difficult to find parking for a second car. The more spaces, the better the chance to keep the residents happy.

Mr. Scott thought the Commission wanted them to meet the Code except for the landscape island variance. If that was the case, rather than a denial, he asked to come back with a revised site plan or work with staff on a unit mix that met the requirements.

The consensus was for the applicant to come back with a revised plan. There was also consensus that the applicant would lose two parking spaces to widen the entrance on Territorial and that the landscape island variance was acceptable.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Hall to approve DR 17-02/VAR 17-01 with a revised plan to add one bedroom units and to add parking spaces subject to final Planning Commission approval. Motion passed 7/0.

6. FINAL DECISIONS

- a. Trail Crossing Apartments (DR 17-02/VAR 17-01)

Mr. Brown would bring these findings back to the next meeting for approval.

7. ITEMS OF INTEREST / REPORT FROM STAFF

Mr. Brown said the March 27 Planning Commission meeting was canceled. The Commission would be reviewing the revised Site Plan for the Trail Crossing Apartments on April 10.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

9. ADJOURNMENT

Motion: Commissioner Serlet moved for adjournment, Commissioner Mottern seconded. Motion passed 7/0. Meeting adjourned at 8:34 pm.

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, April 10, 2017
Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Larry Boatright, John Serlet, Derrick Mottern, Shawn Varwig, Tyler Hall, and Andrey Chernishov

ABSENT: None

STAFF: Bryan Brown, Planning Director and Laney Fouse, Planning Staff

OTHERS: Tom Scott, Scott Beck, Brian Kromer, Kris Hetteema, Gail Gartner, Gordon Root. Laurie Bergstrom, Chris Downs, Bob Price, and Craig Gingerich

1. CALL TO ORDER

Chair Savory called the meeting to order at 7:00 pm.

2. CITIZEN INPUT – None.

3. MINUTES

a. No minutes available

4. NEW BUSINESS – None

5. PUBLIC HEARING

a. Consider a request for a Site & Design Review and Variance applications for a proposed 58-unit apartment complex on 2.5 acres located at 1203 & 1295 NE Territorial Rd. (**DR 17-02/VAR 17-01**)

Chair Savory opened the public hearing and read the public hearing format.

Bryan Brown, Planning Director, entered his staff report into the record. This hearing had been continued from the last Commission meeting. The application had been tentatively approved, but the Commission wanted to see a revised site plan before final approval. The application was a request for a site and design review and a variance for a 58 unit apartment complex on Territorial Road. It was a 2.5 acre site and a high density zone. The changes the Planning Commission recommended were: the removal of two parking spaces to accommodate a longer throat depth for the driveway and changing six two-bedroom units to six one-bedroom units to decrease the required parking. They still did not meet the required parking, but there was a parking variance for up to three parking spaces, which was the amount they were short. The ADA accessible parking spaces were near the handicapped units. Included in the variance was flexibility for the banks of parking rows and to allow more than eight spaces between the landscape islands. There was other landscaping near the parking area and the landscape requirements had been exceeded.

Applicant:

Scott Beck, architect, discussed the changes that had been made to the site plan. They were able to add one more parking stall by making it 8.5 feet wide instead of 9 feet wide. They had taken out the two parking spaces for the driveway and converted six two bedroom units to six one bedroom units. There was an additional handicapped parking stall in front of building #3.

Tom Scott, applicant, thanked the Commission for letting them return with the modifications. They wanted to maximize the site and number of units for the community. They had significantly reduced the number of parking stalls needed for the variance. He thought this was a good plan.

Proponents:

Kris Hetema, Canby resident, managed the Willamette Grove Apartments. They had 86 apartments and had 186 parking spaces and it worked well. No one had to park on the street. She suggested caution around the variance and not to go more than a 3% reduction as it would set a precedent for future applications.

Gordon Root, developer in Lake Oswego, said he specialized in rural development and was supportive of this type of project in Canby. They needed affordability, balance, and choices for housing. They needed to use the land in the Urban Growth Boundary to its maximum benefit. The density allowed them to keep all of the green space and to continue to be a farm community outside of the Urban Growth Boundary. This would be affordable housing, which was needed in the City. It was the right place and right time for this development.

Opponents: None.

Neutral Testimony:

Gail Gardener, Canby resident, was sympathetic to the needs for more housing in the community. She thought this was a lot of construction on a small space. There were many other apartment complexes being developed in this area, and she questioned the need for more. She thought duplexes would more gracefully fill the space and keep more of the green areas. The corner of Pine and Territorial was already suffering the effects of high density living and excessive traffic. She asked if the traffic study was done prior to Pine Meadow and Franz Meadow projects. Those developments were adding 76 cars to Pine Street on the way to Territorial. There were 164 cars from the Willamette Grove Apartments and 40 cars from each cul-de-sac on Pine. If they added another 120 from Pine Crossing, that would be 400 cars total. This development would further exacerbate the problems with traffic, exhaust fumes, heavy on-street parking which decreased visibility, and ecology. Who in Canby would benefit from these apartments, would it be affordable housing, for the working class, seniors or retired/fixed income, or young adults? People lived in Canby because they loved rural living, green space, flowers, animals, and breathable air. If they wanted high density, they would move to Portland. She wanted to keep Canby as Canby.

Laurie Bergstrom, Canby resident, was not opposed to the development. She still thought parking would be an issue. If they had enough units that required 110 parking spaces, and they were only providing 107, there would be no place for guests to park. They did not have enough parking for those who lived there let alone any visitors. She discussed nearby apartments that had accounted for visitor parking. Visitors would park in the neighborhood and there was no bus or other transit options. They needed to accommodate the parking that was required for people to live there.

Rebuttal:

Mr. Scott said Canby was changing and housing needs were changing. There had not been new apartments developed in Canby for many years, and now there were several. They needed a variety of housing. He thought this was the right fit for Canby. This proposal maximized the site economically and complimented the City's needs. The traffic study took into consideration all proposed development and there were no issues except for the driveway width. There was a need for this type of housing. They were asking for a 2.5% reduction in parking from what was required. He intended to manage these apartments, and if he thought the parking would not work he would not be proposing it. He thought the reduction of three parking stalls would work.

Mr. Beck said the visitor parking was calculated in and there would be 12 visitor parking stalls. These were meant for families, seniors, and young adults, and would be rented at market rate. This could help with supply and demand issues and help stabilize rents in Canby.

Chair Savory closed the public hearing.

Commissioner Hall said this was pretty much what they were asking for as far as getting the handicapped stalls near the handicapped units, getting rid of the two parking spots to extend the width of the driveway, and reducing the two bedroom to one bedroom units.

Commissioner Mottern said they brought forward what the Commission asked for. The applicant did a good job getting the parking between a 2% to 3% variance. He thought the application met the criteria.

Commissioner Serlet said they came in with the changes the Commission asked for.

Commissioner Cherishnov said the property was zoned for this type of use. He supported the project.

Commissioner Varwig appreciated the applicant doing what the Commission asked for. He thought the applicant cared about Canby and making this a good project. He understood the concerns about parking, but there was no other way to make it work and the applicant had done what they could to reduce the variance as much as possible.

Commissioner Boatright thought parking and density were going to be issues. They had to follow the code and the zoning for the property. Developers had to make money or they would no longer build. This was a good project, and they were within 3% for the parking.

Chair Savory appreciated the concern about parking. His concern was about the cumulative effect this and other projects would have on the traffic on Territorial. He was also in support.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Mottern to reapprove DR 17-02/VAR 17-01 with the revised site plan design and findings based on the design modifications included in the record and further explained in the staff report dated April 10, 2017. Motion passed 7/0.

6. FINAL DECISIONS

- a. Trail Crossing Apartments (DR 17-02/VAR 17-01)

Motion: Commissioner Boatright moved to reapprove the final decisions for DR 17-02/VAR 17-01 based on the design modifications included in the record and further explained in the staff report dated April 10, 2017. Commissioner Mottern seconded. Motion passed 7/0

7. ITEMS OF INTEREST / REPORT FROM STAFF

- Mr. Brown said the April 24 Planning Commission meeting was open for a work session on growth and the City's current Code.
- The May 8th Planning Commission would review a Minor Land Partition.
- A PC Training Meeting in Eugene would be held on Saturday May 20, 2017 and Commissioner Chernishov would be attending.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION –

Chair Savory wanted Council to examine some of the traffic problems and cumulative effect of the recent developments, especially on NE Territorial.

There was consensus for Chair Savory to raise the issue with Council.

Mr. Brown said these concerns could be addressed through the Transportation System Plan (TSP) which was updated every 7 to 10 years and that time was approaching. The City was collecting Transportation System Development Charges to do expansion and improvement projects. The prioritization for these projects was the list in the TSP which could be updated. Increased traffic was starting to be a concern. There were adopted standards for congestion and level of service, and there were only a few intersections on Highway 99E that had congestion problems.

Chair Savory said the Commission would be going into a Work Session to discuss growth and development in the community and related review processes and existing standards.

9. ADJOURNMENT

Motion: Commissioner Hall moved for adjournment, Commissioner Mottern seconded. Motion passed 7/0. Meeting adjourned at 7:54 pm.



City of Canby

MINOR PARTITION STAFF REPORT

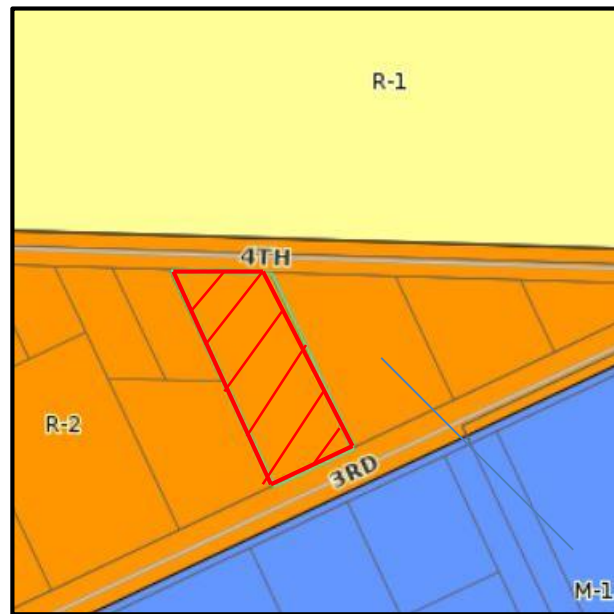
FILE #: MLP 17-01

Prepared for the May 8, 2017 Planning Commission Meeting

LOCATION: 496 NE 3rd Street and 491, 493 NE 4th Street

ZONING: R-2 High Density Residential

Tax lots: 31E33DB00400 (Bordered Property in Map Below)



LOT SIZES: 0.34 ACRES (14,810 SQUARE FEET)

OWNERS: F. Ronald and Cherrol G. Pacholl

APPLICANT: F. Ronald and Cherrol G. Pacholl

APPLICATION TYPE: Minor Partition (Type III)

CITY FILE NUMBER: MLP 17-01

I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

The applicant proposes to partition an existing 0.34 acre (14,810 square foot) parcel into two parcels containing approximately 5,571 square foot and 8,243 square foot each. The existing parcel fronts on NE 3rd Avenue and extends northwest to also front on NE 4th Avenue. An existing single-family home is to remain on proposed 5,571 square foot Parcel 1 that will front on NE 3rd Avenue, and proposed 8,243 square foot Parcel 2 will contain an existing duplex that will front on NE 4th Avenue. Existing driveways will access the three dwellings.

ATTACHMENTS:

- A. Applicant Narrative

B. Site Plan

AGENCY COMMENTS:

Comments were solicited from the public, City departments, and applicable reviewing agencies. Summary of comments are included in the staff report, and complete agency and public comments are part of the file. All comments from citizens and agencies received to date are attached and will be presented to the Planning Commission.

Public Comment:

Comments received from a neighboring property owner stated concerns about existing development of a shed, fence, and also a pole that is located in the sidewalk. These concerns should be discussed at the public hearing and reviewed by the Planning Commission.

Note: Concerns for the existing shed on proposed Parcel 2 and the existing fence and pole located within the sidewalk on proposed Parcel 1 should be discussed at the public hearing and reviewed by the Planning Commission.

Other agencies either had no comment or failed to respond at the time this report was completed.

II. APPLICABLE CRITERIA & STAFF FINDINGS

Applicable criteria used in evaluating this application are found in Chapter 16 of the *City of Canby's Land Development and Planning Ordinance (Zoning Code)* as follows:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.20 R-2 Zone High Density Residential
- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.56 Land Division General Provisions
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignments
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

Chapter 16.08 General Provisions

16.08.070 Illegally created lots

In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied. (Ord. 740 section 10.3.05(G), 1984)

Findings: The lot is identified as tax lot 31E33DB00400 and was created in its current configuration by City of Canby approval of Lot Line Adjustment 94-05. Subsequently, the lot can be considered legally a created parcel for land use purposes.

16.08.090 Sidewalks required.

B. The Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews.

Findings: The subject property is situated on the north side of NE 3rd Avenue and extends northward to also front on NE 4th Avenue. Sidewalks and other street improvements have been constructed on both NE 3rd and NE 4th Avenue. Existing residences front on both streets and additional construction is not proposed with the application. The provision is not applicable to this proposal.

16.08.150 Traffic Impact Study (TIS).

This section contains standards pertaining to traffic studies including purpose, scoping, determination, submittal requirements, content, methodology, neighborhood and through-trip studies, mitigation, conditions of approval, and rough proportionality determination.

Findings: A Traffic Impact study is not required for the proposal because the project did not meet TIS requirements listed in Chapter 16.08.150.

16.08.160 Safety and Functionality Standards

The City will not issue any development permits unless the proposed development complies with the city's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate.

Findings: The parcel is already developed, and public improvements are in place. Subsequently, standards listed in A-E of this section do not apply.

Chapter 16.10 Off Street Parking & Loading

Table 16.10.050 Off-street Parking Provisions

Findings: Two Parking spaces are required for each single-family dwelling, and adequate parking would generally be reviewed during any construction permit process. However, the applicant is not proposing any new dwelling construction at this time and both proposed lots will contain existing dwellings. The dwellings on the property have been in place for an extended period of time and the existing development provides adequate parking.

16.10.070 Parking lots and access

A. (3) Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:

- a. The Planning Director or Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas provided that the applicant can demonstrate that City Standards related to:

Findings: Standards for outdoor storage and non-required parking areas are listed in this section. The applicant is not proposing any outdoor storage or non-required parking areas.

- b. Use of permeable surfacing materials for parking lots and driveways is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

(4) The full width of driveways must be paved in accordance with (3) above:

- a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and
- b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.

Findings: The criteria in (4)(a) above requires 20 feet of paving from right-of-way of the frontage street for proposed and existing driveways. The site plan indicates that the single-family dwelling fronting on NE 3rd Avenue has an existing gravel driveway. As a condition of approval the applicant shall pave the driveway at least 20 feet back from the right-of-way frontage of NE 3rd Avenue.

B. Access

- 6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards...

Findings: The City standard for local streets requires a six foot wide sidewalk. At this particular location, sidewalks are in place and the criterion is met.

16.10.070(10)(f): Distance between Driveways and Intersections for Single-family Residential House.

Findings: Based on available information, it appears that the existing accesses comply with the 30 foot separation from the nearest intersection and the 10 foot separation from adjacent driveways.

Table 16.10.070: Minimum dimensional Standard for Parking:

Findings: It appears that the existing driveways meet current code requirements.

16.20 R-2 High Density Residential Zone

16.20.010 Uses permitted outright: Uses permitted outright in the R-2 zone shall be as follows:

A. Uses permitted outright in the R-1.5 zone, subject to the density standards in Section 16.20.030(A).

Findings: The R-1.5 zone allows uses permitted outright in the R-1 zone. The existing single-family home and existing duplex are permitted outright.

16.20.030 Development standards: The required development standards of the R-2 zone are listed in this section.

Findings: The R-2 zone does not have a minimum lot size, because density, setbacks, impervious surface, and other standards are used to address new development. Section 16.20.020(A) requires a minimum residential density of 14 units per acre. The property contains a single-family home and an existing duplex, and the applicant proposes to divide the property and separate the duplex on one lot and the single-family dwelling on the other. As proposed, the dwellings will meet setback standards for the zone. The applicant is not proposing any additional dwellings at this time, and because the dwellings have existed on the property for some time, meeting the density criteria and other criteria is not necessary for this particular application.

16.21 Residential Design Standards

16.21.020 Applicability and review procedure for single family and two family dwellings.

The standards in sections 16.21.030 through 16.21.050 apply to single family dwellings, manufactured homes, and two family dwellings (duplexes)...

16.21.030 Single family and two-family dwelling design menu.

16.21.040 Main entrances for single family and two family dwellings.

Findings: The residential design standards of Section 16.21.020-040 are applicable to new homes that will have a street facing façade. In this case, new construction of additional dwellings will not occur. The above standards do not apply.

16.21.050 Infill Homes

B. Applicability. These standards apply to all new infill homes as defined by 16.04.255.

Findings: Infill homes are defined in 16.04.255 and are specific to the R-1 and R-1.5 zones. The subject property is located within the R-2 zone. Subsequently, this criterion is not applicable.

16.43 Outdoor Lighting Standards

16.43.030 Applicability

The outdoor lighting standards in this section apply to the following:

A. New uses, buildings, and major additions or modifications:

1. For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.

16.43.060 Prohibited Light and Lighting.

- A. All outdoor light sources, except street lights, shall be shielded or installed so that there is no direct line of sight between the light source or its reflection at a point 3 feet or higher above the ground at the property line of the source. Light that does not meet this requirement constitutes light trespass. Streetlights shall be fully shielded. However, the applicant is permitted to have some unshielded lighting if lumens are within the limits of Table 16.43.070 below.

Findings: The Planning Commission has determined with previous applications that lighting standards are not applicable to street lights. New construction is not part of this application.

16.46 Access Limitations on Project Density

Findings: The one additional lot will not impact the suitability of the existing access to lots within the neighborhood. No new roads are proposed to trigger minimum access standards. The majority of the remaining access standards of this section do not apply to residential driveways.

16.56 Land Division Regulation

Findings: Section 16.56 contains general language regarding land divisions and has no specific evaluation criteria.

16.60 Major or Minor Partitions

16.60.020 Standards and criteria

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply. If the improvements are not constructed or installed prior to the filing of the signed partition plat with the county, they shall be guaranteed in a manner approved by the City Attorney. However, if the commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the commission shall except those improvements. In lieu of excepting an improvement, the commission may recommend to the council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.

Findings: As indicated above, the standards of Chapter 16.64 (Subdivision-Design Standards) are applicable to this proposal. The above section also gives the Planning Commission the authority to be flexible with public improvement requirements, such as installation of a sidewalk or widening of the street. However, improvements have been made at this location, and the above criteria are not applicable to this particular case.

16.60.040 Minor partitions.

Application for a minor partition shall be evaluated based upon the following standards and criteria:

- A. Conformance with the text and applicable maps of the Comprehensive Plan;
- B. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;

- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

Findings: The application meets the definition of a partitioning stated in Section 16.04.470. The applicant intends to divide a single parcel into two separate lots and does not propose any new streets or roadway. Public facilities and services are presently available and serve the proposed lots and the existing dwellings. Extending individual service laterals within the access and utility easement from the main utilities services located in the existing adjacent public streets are not necessary. Access to the newly created parcels would occur over an existing shared driveway access to the duplex and the existing driveway to the single-family dwelling. A condition of approval shall be placed to establish that all utility easements are made part of the recorded partition plat.

16.60.060 Final procedures and recordation.

- A. Following the action of the city in approving or conditionally approving a tentative plat for a partition, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city engineer prior to the transfer of title of any of the parcels involved.

Findings: The above criteria shall be listed as a condition of approval.

- B. Recordation of an accurate survey map, prepared by a registered engineer or licensed surveyor, must be completed within one year of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.
- C. The applicant shall bear full responsibility for compliance with applicable state and city regulations regarding the recordation of documents and subsequent transfer of ownership.
- D. The Planning Director may approve a single one-year extension to the original one-year period. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application.

Findings: A condition of approval shall state that a surveyed partition plat, prepared by a licensed surveyor or engineer, shall be submitted and recorded at Clackamas County after City review. The proposed final plat must be submitted to the city for review within one year of Planning Commission approval, or the applicant must request that the Planning Director approve a one-year extension for submittal. The applicant or county shall provide the city with a copy of the final plat in a timely manner after it is recorded at Clackamas County.

16.64 Subdivisions-Design Standards

16.64.010 Streets

- M. Planting Easements. The Planning Commission may require additional easements for planting street trees or shrubs.

16.64.070

C.(3) Street Trees. Street trees shall be provided consistent with the provisions of Chapter 12.32.

K. Street tree planting is required of the subdivider and shall be according to city requirements. (Ord. 899 section 4, 1993)

Findings: Because the existing dwellings are in place, a street tree plan or placement of new trees is not applicable to this application. Additionally, the customary 12 foot street tree easement is not required on the final plat.

16.64.030 Easements

A. Utility Lines. Easements for electric lines or other public utilities are required, subject to the recommendations of the utility providing agency. Utility easements twelve feet in width shall be required along all street lot lines unless specifically waived. The commission may also require utility easements alongside on rear lot lines when required for utility provision. The construction of buildings or other improvements on such easements shall not be permitted unless specifically allowed by the affected utility providing agency.

Findings: A condition of approval shall require that all provisions of applicable utility agencies are met prior to the recordation of the partition plat.

C. Pedestrian Ways. In any block over six hundred feet in length, a pedestrian way or combination pedestrian way and utility easement shall be provided through the middle of the block. If unusual conditions require blocks longer than one thousand two hundred feet, two pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through green way systems. Sidewalks to city standards may be required in easements where insufficient right-of-way exists for the full street surface and the sidewalk.

Findings: All public street improvements and pedestrian access have been completed for both streets involved in the application.

16.64.040 Lots

A. Size and Shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

Findings: The lots meet the above criteria.

B. Minimum Lot Sizes:

1. Lot sizes shall conform to requirements of Division III...

C. Lot Frontage. All lots shall meet the requirements specified in Division III...

E. Lot Side Lines. The side lines of lots shall run at right angles to the street upon which the lots face...

Findings: The proposal meets the above criteria.

- J. Designation of Lots as 'Infill Home' Sites. The Planning Commission may require that homes built on one or more lots adjacent to existing development be subject to any or all of the requirements of 16.21.050 - Infill Homes. Furthermore, for subdivisions where the parent parcel(s) is less than two acres in size, the Planning Commission may require that all homes built on lots in the subdivision be subject to any or all of the requirements of 16.21.050. These requirements are to be shown on the subdivision plat or included in the deed restrictions.

Findings: New homes are not proposed as part of this request. Infill lots are not applicable to this zone designation.

16.64.060 Grading of building sites.

The commission may impose bonding requirements, similar to those described in section 16.64.070, for the purpose of ensuring that grading work will create no public hazard nor endanger public facilities where either steep slopes or unstable soil conditions are known to exist.

Findings: The two proposed parcels are currently developed with residences and no additional construction is proposed. Staff does not recommend a bonding requirement.

16.64.070 Improvements

- A. Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations, or at his own option, shall conform to the requirements of these regulations and improvement standards and specifications followed by the city, and shall be installed in accordance with the following procedure:
1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this division.
 2. Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
 3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrant the change.

Findings: The City Transportation Engineer did not respond to a request for comments. As previously mention, public improvements are in place.

5. A map showing public improvements "as built" shall be filed with the city engineer within sixty days of the completion of the improvements.

Findings: As-built plans are not sought for just driveway paving.

- B. The following improvements shall be installed at the expense of the subdivider unless specifically exempted by the Planning Commission:
1. Streets, including drainage and street trees;
 2. Complete sanitary sewer system;
 3. Water distribution lines and fire hydrants;

4. Sidewalks and any special pedestrian ways;
5. Street name and traffic-control signs;
6. Streetlights;
7. Lot, street and perimeter monumentation;
8. Underground power lines and related facilities;
9. Underground telephone lines, CATV lines, natural gas lines, and related facilities;

Findings: As previously discussed, staff recommends that improvement be limited to paved driveway and approach construction to city standards.

C. Streets

2. ...monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92.

Findings: A condition of approval addresses monumentation requirements.

4. Prior to city approval of the partition plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.

Findings: A condition of approval addresses monumentation requirements.

9. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.

Findings: There is no evidence that the existing transportation system may be burdened by the proposal.

D. Surface Drainage and Storm Sewer System.

3. All new subdivisions in Canby are required to treat stormwater on site. Stormwater management using LID practices is required where feasible, pursuant to requirements of this chapter and other applicable sections of this code. LID facilities shall be constructed in accordance with Canby Public Works Design Standards.

Findings: All residential stormwater must be retained onsite per Chapter 4 of the Canby Public Works Design Standards.

- G. Sidewalks.** Sidewalks shall be required on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of identified arterials, or industrial districts, the commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. Sidewalk construction may be postponed until the actual construction of buildings on the lots, provided that adequate assurance is given that such sidewalks will be installed.

Findings: Construction of sidewalks has occurred on both street frontages of the proposed partition.

J. Street Lighting System. Streetlights shall be required to the satisfaction of the manager of the Canby Utility Board.

Findings: No new streetlights are proposed.

K. Other Improvements.

1. Curb cuts and driveway installation are not required of the subdivider but, if installed, shall be according to city standards.
2. Street tree planting is required of the subdivider and shall be according to city requirements.
3. The developer shall make necessary arrangements with utility companies or other persons or corporations affected, for the installation of underground lines and facilities....

Findings: A condition of approval shall state that a city Street Opening Permit is required when curb cuts are proposed. The existing overhead utility lines are not proposed to be placed underground.

M. Survey Accuracy and Requirements. In addition to meeting the requirements as set forth in Oregon Revised Statutes relative to required lot, street and perimeter monumentation, the criteria listed in **Section 16.64.070** shall be required.

Findings: A condition of approval states that the City Engineer or County surveyor shall verify that the above standards are met prior to the recordation of the partition plat.

N. Agreement for Improvements. Before commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or execute and file with the city engineer, an agreement specifying the period within which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and reasonable attorney fees necessary to collect the amounts from the land divider. The agreement shall also provide for reimbursement to the city for the cost of inspection by the city which shall not exceed ten percent of the improvements to be installed.

O. Bond.

1. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the financial choices listed in this section and meet stated provisions of the section.

P. Guarantee. All improvements installed by the subdivider shall be guaranteed as to workmanship and materials for a period of one year following written notice of acceptance by the city to the developer.

Findings: Any public improvements required by the Commission shall meet the above criteria.

16.86 Street Alignments

16.86.020 General provisions.

- F. Bikeways and bike lanes shall be provided consistent with the Bicycle Plan element of the Transportation System Plan.
- G. Pedestrian facilities shall be provided consistent with the Pedestrian Plan element of the Transportation System Plan.

Findings: Bike lanes and sidewalks are in place on both NE 3rd Avenue and NE 4th Avenue.

16.86.040 Recommended Roadway Standards

Specific standards for roadway design are located in the Transportation System Plan and Canby Public Works Design Standards.

Findings: No new streets are proposed or recommended by staff. However, if required by the Commission, the above standard must be met.

16.89 Application and Review Procedures

Findings: This application is being processed in accordance with Chapter 16.89. Notice of the public hearing was mailed to owners and residents of lots within 200 feet of the subject development and to applicable agencies. Notice of the meeting was posted at the Development Services Building, City Hall, and Library and published in the Canby Herald. This chapter requires a Type III process for minor partitions. A neighborhood meeting is not required for minor partitions and a pre-application conference was not required for this application.

16.120 Parks, Open Space, and Recreation Land-General Provision

16.120.020 Minimum standard for park, open space and recreation land

- A. Parkland Dedication: All new residential, commercial and industrial developments shall be required to provide park, open space and recreation sites to serve existing and future residents and employees of those developments.

Findings: Criteria in this section require that System Development Charges (SDCs) be collected at the time of construction of any new homes.

III. PUBLIC TESTIMONY

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 200 feet of the subject properties and to all applicable public agencies. All citizen and agency comments/written testimony will be presented to the Planning Commission.

IV. Decision

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Minor Land Partition File MLP 17-01 subject to the following conditions of approval:

V. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. The applicant is responsible for determining if existing utility service to all existing structures will need to be relocated or protected by private easement as a result of this partition.
2. All work associated with the new paved driveway access or utility installations shall secure a street construction permit and comply with City current Public Works Design Standards.
3. Any utility easement to serve Parcel 1 and Parcel 2 shall be shown on the recorded partition plat and a shared access and maintenance agreement recorded with the plat.
4. The applicant shall pave the existing gravel driveway at least 20 feet back from the right-of-way frontage on NE 3rd Avenue in order to meet criteria listed in Section 16.10,070(A)(4).

Final Partition Plat Conditions:

5. A final surveyed partition plat shall be prepared by a licensed surveyor for recording the partition plat of record. Prior to recordation with Clackamas County, the plat shall be submitted to the city along with applicable fees for review by the city and other appropriate agencies. The final plat must be submitted to the city within one year of Planning Commission approval or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.

Monumentation/Survey Accuracy Conditions

6. The county surveyor shall verify that the survey accuracy and monumentation requirements set forth in Oregon Revised Statutes and CMC 16.64.070(M) are met prior to the recordation of the final plat. Installation of the front lot monumentation (along and within street rights-of-way) and the replacement of any existing monuments destroyed during improvement installation shall be confirmed by the city engineer or county surveyor prior to the recordation of the partition plat.
7. Monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92. The city engineer or county surveyor shall verify compliance with this condition prior to the recordation of the final plat.

Residential Building Permits Conditions:

8. Construction of all required public improvements and the recordation of the partition plat must be completed prior to the issuance of future building permits.
9. All public improvements shall comply with all applicable City of Canby Public Works Design Standards.



City of Canby
 Planning Department
 222 NE 2nd Avenue
 P.O. Box 930
 Canby, OR 97013
 Ph: 503-266-7001
 Fax: 503-266-1574

LAND USE APPLICATION

MINOR PARTITION Process Type II MAJOR PARTITION Process Type III

APPLICANT INFORMATION: (Check ONE box below for designated contact person regarding this application)

Applicant Name: F. (Ron) Pacholl/Cherral Pacholl Phone: 503-266-4943, 503-819-4351
 Address: P.O. Box 396, (725 N. Baker Dr.) Email: cherralp@gmail.com
 City/State: Canby OR Zip: 97013

Representative Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Property Owner Name: Same Phone: _____
 Signature: Cherral Pacholl
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Property Owner Name: _____ Phone: _____
 Signature: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- 1 All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- 3 All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY & PROJECT INFORMATION:

31E33DB00400

496 NE 3rd, 491 + 493 NE 4th .33 _____
 Street Address or Location of Subject Property Total Size of Assessor Tax Lot Numbers
 Property
Duplex, single family residence R-2 _____
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation
HDR

Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
<u>MLP-17-01</u>	<u>3-7-17</u>	<u>[Signature]</u>	<u>\$ 1162</u>	
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

PARTITION (MINOR OR MAJOR) – TYPE III–INSTRUCTIONS

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email: PlanningApps@canbyoregon.gov

Applicant City
Check Check

- One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.
- Payment of appropriate fees – cash, check or credit card. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
“Major” Partition – includes the creation of a road or street.
“Minor” Partition – does not include the creation of a road or street. 1,280
- Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 500 feet of the subject property. **If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- One (1) copy of a written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria. **Ask staff for applicable Municipal Code chapters and approval criteria.**
Applicable Code Criteria for this application includes:
SEE attached
- Three (3) copies of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study. *n.a.*
Ask staff to determine if a Traffic Impact Study is required.
- No Neighborhood Meeting is required *n.a.*
- One (1) copy in written format of the minutes of the pre-application meeting *n.a.*
- One copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the Clackamas County Surveyor’s office. If the property is a legal lot of record created by recorded deed or land sales contract at a time when it was legal to configure property lines by deed or contract, then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds. *Surveyor*

The purpose of the proposed minor partition is to divide the single family home located at 493 NE 3rd from the duplex at 491 and 493 NE 4th, so we may sell the two properties individually. Conventional financing, in the existing state, for any interested purchaser is not possible as lenders consider it to be a non-conforming use. Two lots are being created, dividing 496 NE 3rd from 491 and 493 NE 4th, Canby OR. 97013. The duplex at 491 and 493 NE 4th was completed November 1994 and there is no space for additional units. The single family residence at 496 NE 3rd was built on or before 1929. It is possible that at some future date additional units or new construction could occur on the 496 NE 3rd lot. Both owners are senior citizens and no longer desire the headaches of owning rental property. By dividing and selling each individually in two separate tax year, the extreme tax consequence will be reduced a little.

16.08:

There are sidewalks on the frontage of each new legal lots.
There is no need for a traffic study as no increased density is proposed.

16.10:

Off street parking has/will not change and is very adequate. The duplex has a single car garage and 6 additional in the driveways. The house has 4 spaces plus on street parking. The parking here may change should future development occur. Again, sidewalks are on the frontage of each.

16.20 R-2:

No development is proposed at this time.

16.43:

No changes in lighting to occur at this time.

16.46:

No changes in density to occur at this time.

16.56:

No changes in density to occur at this time.

16.60:

The property meets these criteria.

16.64:

All street improvements are existing.

16.86:

There is no planned expansion so streets are not affected.

16.89:

The Planning Director has advised we did not need a pre-approval conference at this time. It is assumed this will be a Type III Procedure.

16.120:

Since no development is planned this ordinance is not applicable at this time.

Applicant City
Check Check

- If the development is located in a Hazard ("H") Overlay Zone, submit one (1) copy of an affidavit signed by a licensed professional engineer that the proposed development will not result in significant impacts to fish, wildlife and open space resources of the community. If major site grading is proposed, or removal of any trees having trunks greater than six inches in diameter is proposed, then submit one (1) copy of a grading plan and/or tree-cutting plan. n.a.
- Two (2) 11" x 17" paper copies of the proposed plans, printed to scale no smaller than 1"=50'. The plans shall include the following information: ^{surveyor}
- Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the project site to the existing street or road pattern.
 - Name of Proposed Partition Plat (subject to review and approval by Clackamas County).
 - Partition boundary, parcel lines, parcel dimensions, gross area in square feet of each parcel (excluding the square footage of access ways for flag lots), and proposed public and private easements;
 - If any undevelopable tract is proposed to be created, the dimensions, gross area, and purpose of the tract shall be included.
 - If any oversized parcels are proposed, which in the opinion of the Planning Director are likely to be further divided in the future, provide an illustration of how the parcel could be further divided in conformance with all CMC standards in a manner which provides for continuation of streets and provides adequate building envelopes.
 - Site Plan-the following general information shall be included on the site plan:
 - Property lines (legal lot of record boundaries);
 - Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways;
 - Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;
 - Location of vision clearance areas at all proposed driveways and streets.
 - Location and description of all existing structures (i.e., buildings, signs, fences, mechanical or utility structures, etc.) on the property, including those under construction or pending under an issued building permit. Indicate which structures are to remain and which are to be removed. For structures to remain, call out the distance between the structure and all proposed boundaries of the parcel upon which the structure is located.
 - Location and proposed disposition of all existing: driveways, wells, septic tanks, drain fields, easements, drainage ways, and jurisdictional watercourses or wetlands on or abutting the property.
 - Location, names, right-of-way width, improvement dimensions, curve radius, and grades of all existing and proposed streets and public access ways within the proposed partition and abutting the partition.
 - Identify the classification of all streets in accordance with the Canby Transportation System Plan. Show typical cross-sections of proposed street improvements, including identification of proposed street trees. Provide street center profiles showing the finished grade of all streets as approved by the City Engineer, including extensions for a reasonable distance beyond the limits of the proposed subdivision.
 - Location and type of existing and proposed transit facilities.
 - Location of all proposed utilities, including sewer, water, storm water, electric, telephone, and natural gas; including utility sizes and grades.

PARTITION, MAJOR / MINOR – TYPE III: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans in written and electronic form to the Planning Department. Electronic submittals may be made on a CD or thumb drive or submitted via email to PlanningApps@canbyoregon.gov.
2. Prior to submitting an application, all applicants must hold a neighborhood meeting with surrounding property owners and any recognized neighborhood association representative, pursuant to the procedures described in Canby Municipal Code Section 16.89.070. In certain situations, the Planning Director may waive the neighborhood meeting requirement.
3. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
4. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
5. Staff investigates the application, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
6. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. This material will be posted **by staff** at least ten (10) days before the public hearing.
7. The staff report will be available to all interested parties at least seven (7) days prior to the hearing.
8. The Planning Commission holds a public hearing. The staff report is presented to the Commission. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
9. The Commission then issues findings of fact which support approval, modification, or denial of the application. A decision may be appealed to the City Council.
10. If an approval or a denial is appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). Unless the City Council decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.
11. Prior to construction of any of the subdivision improvements required pursuant to CMC 16.64.070, a preconstruction meeting is held with the City and all applicable utility and service providers. If required, this meeting must be held before issuance of any permits.

PARTITION, MAJOR / MINOR – TYPE III: STANDARDS AND CRITERIA

Under Section 16.60.030 of the Canby Municipal Code, an application for MINOR PARTITION approval shall be evaluated based on the following standards and criteria:

- A. Conformance with the text and applicable maps of the Comprehensive Plan;
- B. Conformance with other applicable requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
- D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels; and
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

Under Section 16.60.040 of the Canby Municipal Code, an application for MAJOR PARTITION approval shall be evaluated based on the following standards and criteria:

- A. Conformance with the text and applicable maps of the Comprehensive Plan;
- B. Conformance with other applicable requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
- D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division;
- E. In no case shall the use of a private road be approved for partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels; and
- F. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions, except however, the Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
 - 1. The establishment of the public street is initiated by the Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
 - 2. The tract in which the street is to be dedicated is a major partition within an isolated ownership of not over one acre or is of such size and characteristic as to make it impossible to develop building sites for more than three dwelling units.

Narrative for minor partition:

The purpose of the proposed minor partition is to divide the single family home located at 493 NE 3rd from the duplex at 491 and 493 NE 4th, so we may sell the two properties individually. Conventional financing, in the existing state, for any possible purchaser is not possible as lenders considered it to be a non-conforming use. Two lots are being created, dividing 496 NE 3rd from 491 and 493 NE 4th, Canby OR. 97013. The duplex at 491 and 493 NE 4th was completed November 1994 and there is no space for additional units. The single family residence at 496 NE 3rd was built on or before 1929. It is possible that at some future date additional units or new construction could occur on the 496 NE 3rd lot. Both owners are senior citizens and no longer desire the headaches of owning rental property. By dividing and selling each individually in two separate tax year, the extreme tax consequence will be reduced a little.

16.08:

There are sidewalks on the frontage of each new legal lots.
There is no need for a traffic study as no increased density is proposed.

16.10:

Off street parking has will not change and is very adequate. The duplex has a single car garage and 6 additional in the driveways. The house has 4 gravel spaces plus on street parking. The parking may change to another portion of the lot should future development occur.
Again, sidewalks are on the frontage of each.

16.20 R-2:

No development is proposed at this time.

16.43:

No changes in lighting to occur at this time.

16.46:

No changes in density to occur at this time.

16.56:

No changes in density to occur at this time.

16.60:

The property meets these criteria.

16.64:

All street improvements are existing.

16.86:

There is no planned expansion so streets are not affected.

16.89:

The Planning Director has advised we did not need a pre-approval conference at this time. It is assumed this will be a Type III Procedure.

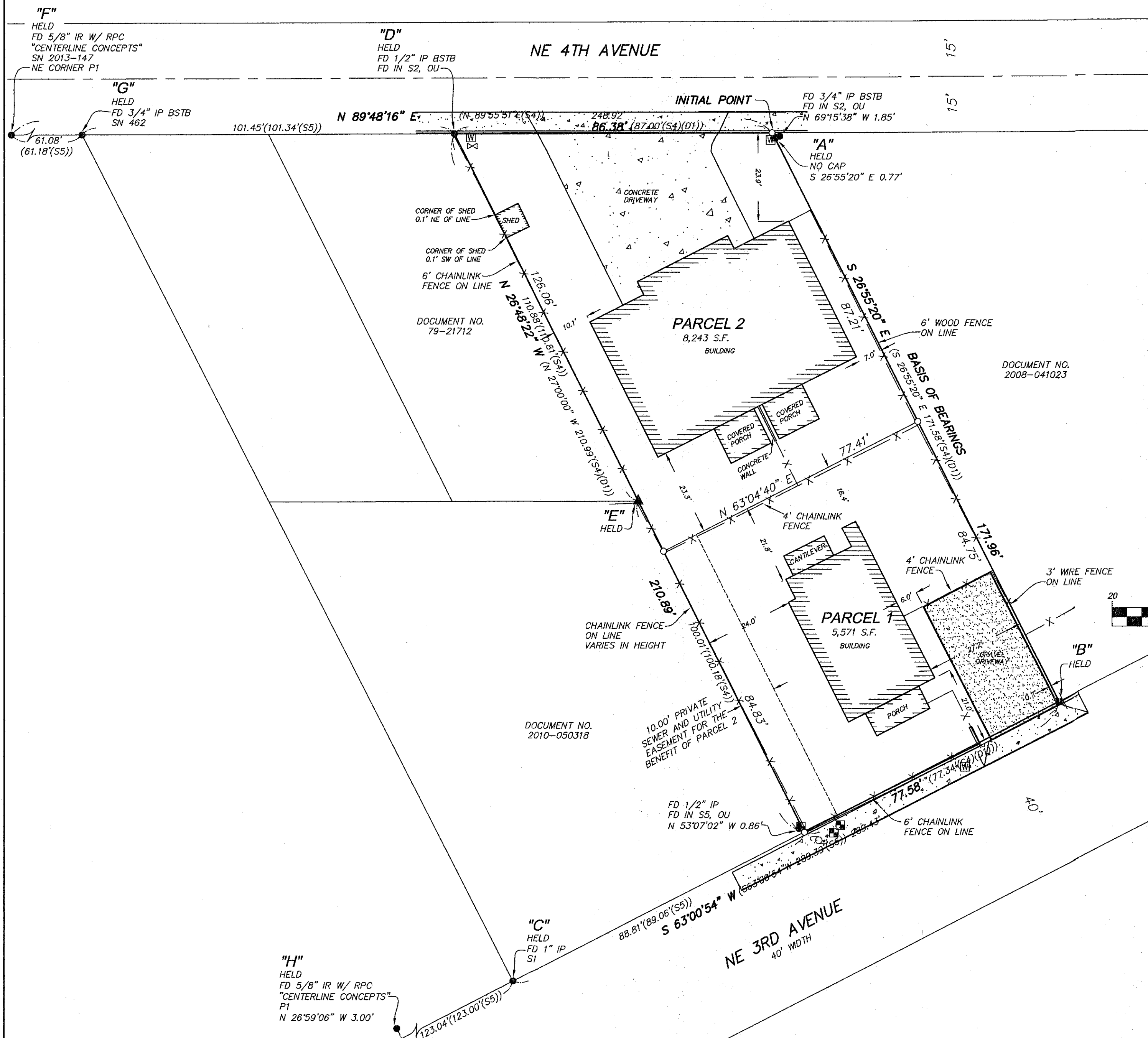
16.120:

Since no development is planned this ordinance is not applicable at this time.

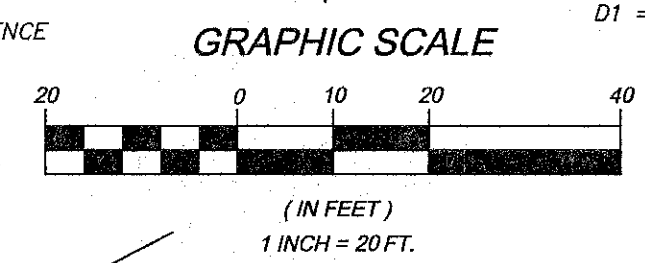
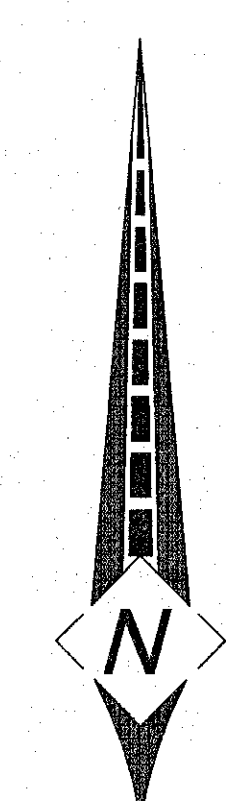
PARTITION PLAT NO. 2017-

PARTITION LOCATED IN THE
 S.E. 1/4 SECTION 33, T.3S., R.1E., W.M.,
 CITY OF CANBY, CLACKAMAS COUNTY, OREGON
 APRIL 5, 2017 SCALE 1"=20'
 PLANNING FILE NO.
 SHEET 1 OF 2

SUPPLEMENTAL



- LEGEND:**
- SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" ON _____, 2017
 - △ SET 1.17" COPPER DISC (BERNTSEN BP1) MARKED "BOLDEN LS 60377" ON _____, 2017
 - FOUND MONUMENT AS NOTED
 - FOUND 5/8" IRON ROD W/ YELLOW PLASTIC CAP MARKED "PACIFIC SURVEYS PLS 2319" FROM SN 26115
 - ▲ FOUND 3/4" IRON PIPE FROM SN 7779
- () = RECORD DISTANCES & BEARINGS
 IR = IRON ROD IP = IRON PIPE
 SFNF = SEARCHED FOR, NOT FOUND
 FD = FOUND W/ = WITH
 YPC = YELLOW PLASTIC CAP
 R/W = RIGHT OF WAY
 SN = SURVEY NUMBER CLACKAMAS COUNTY SURVEYOR'S OFFICE
 BSTB = BENT SPUN TIES AT BASE
 OU = ORIGIN UNKNOWN
 P1 = "EMERALD GARDENS" PLAT NO. 4445
 S1 = SN 462
 S2 = SN 7779
 S3 = SN 7835
 S4 = SN 26115
 S5 = SN 2013-147
 D1 = DOCUMENT NO. 94-068356



SIGNED ON: 07 APR 17

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377LS

RENEWS: DECEMBER 31, 2017

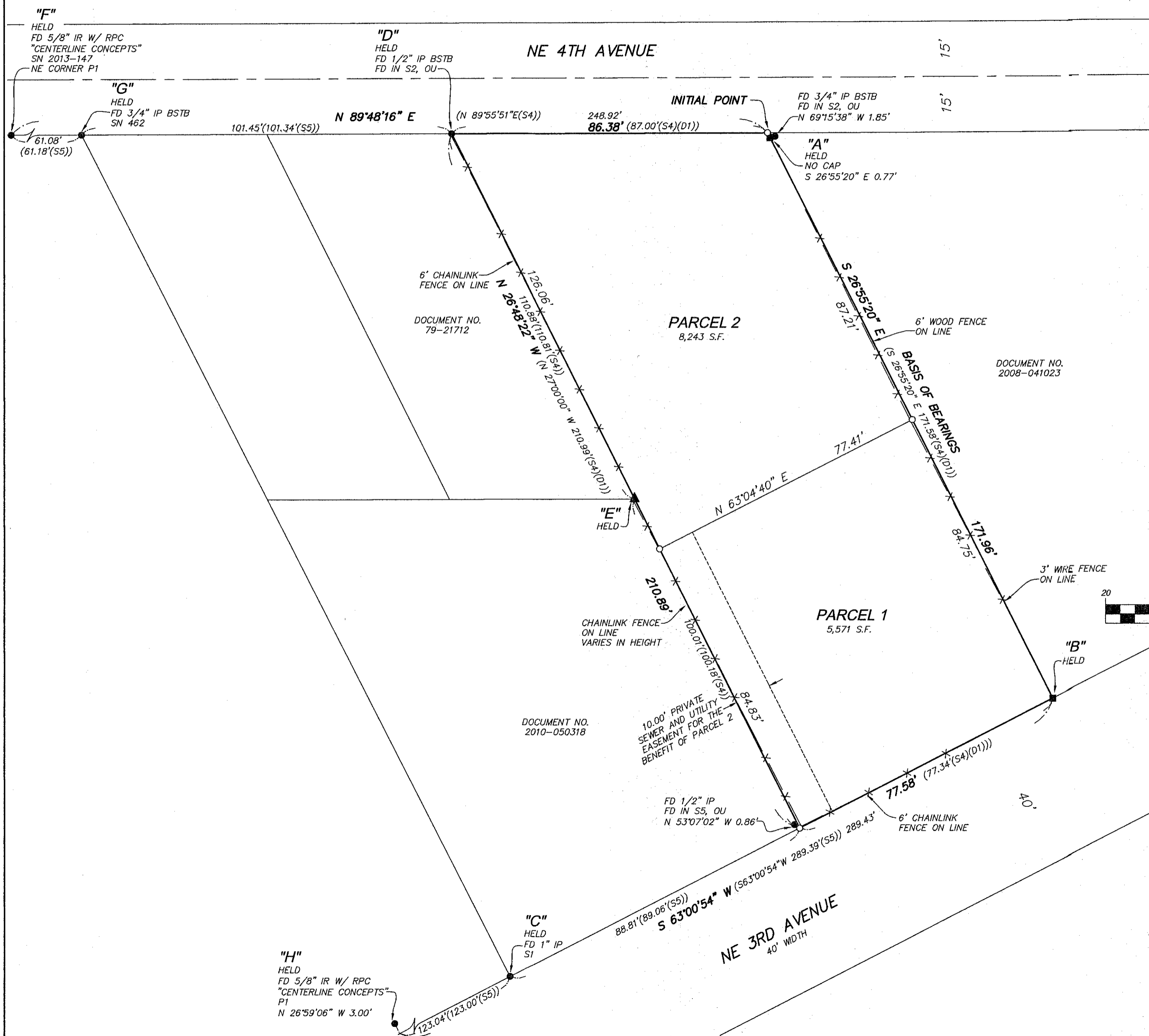
CENTERLINE CONCEPTS
 LAND SURVEYING, INC.

19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\PACHOLL-3RD AVE-NE-496\dwg\PARTITION.dwg

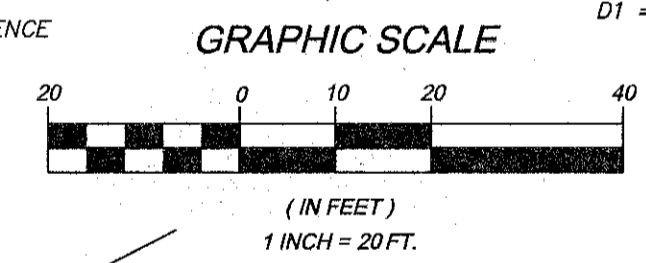
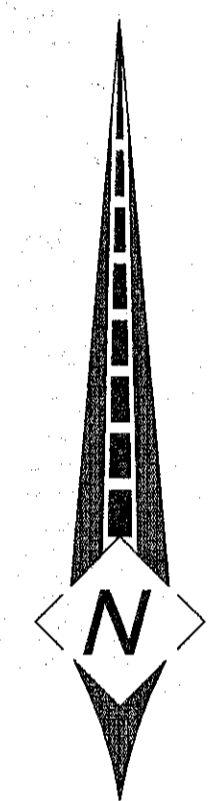
PARTITION PLAT NO. 2017-

PARTITION LOCATED IN THE
 S.E. 1/4 SECTION 33, T.3S., R.1E., W.M.,
 CITY OF CANBY, CLACKAMAS COUNTY, OREGON
 APRIL 5, 2017 SCALE 1"=20'
 PLANNING FILE NO.
 SHEET 1 OF 2



LEGEND:

- SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" ON _____, 2017
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SIGNED ON: 07 APR 17

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377LS

RENEWS: DECEMBER 31, 2017

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\PACHOLL-3RD AVE-NE-496\dwg\PARTITION.dwg

PARTITION PLAT NO. 2017-_____

PARTITION LOCATED IN THE
 S.E. 1/4 SECTION 33, T.3S., R.1E., W.M.,
 CITY OF CANBY, CLACKAMAS COUNTY, OREGON
 APRIL 5, 2017
 PLANNING FILE NO.
 SHEET 2 OF 2

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO PARTITION THAT TRACT OF LAND CONVEYED BY DEED RECORDED AS DOCUMENT NO. 94-068356, CLACKAMAS COUNTY DEED RECORDS, IN ACCORDANCE WITH CITY OF CANBY CASE FILE NO. XX-XXXXXX.

FOR MY BASIS OF BEARINGS AND THE NORTHEAST LINE OF THE SUBJECT TRACT, I HELD SOUTH 26°55'20" EAST BETWEEN FOUND MONUMENTS "A" AND "B", PER SAID DEED AND SURVEY NO. 26115. SAID SURVEY WAS PREPARED TO MONUMENT A PROPERTY LINE ADJUSTMENT BETWEEN THE SUBJECT TRACT AND THE NORTHEASTERLY ADJOINING TRACT, DEED DOCUMENT NO. 2008-041023.

I ESTABLISHED THE SOUTH LINE OF THE SUBJECT TRACT HOLDING FOUND MONUMENTS "B" AND "C", PER SURVEYS NO. 462, 26115, AND 2013-147, AND A POINT 3.00 FEET SOUTH OF FOUND MONUMENT "H", PER THE PLAT OF "EMERALD GARDENS", PLAT NO. 4445, CLACKAMAS COUNTY PLAT RECORDS.

I ESTABLISHED THE SOUTHWEST LINE OF THE SUBJECT TRACT HOLDING FOUND MONUMENTS "D" AND "E", PER SURVEYS NO. 7835 AND 26115.

I ESTABLISHED THE NORTH LINE OF THE SUBJECT TRACT HOLDING FOUND MONUMENTS "F", "G", AND "D", PER SAID PLAT OF "EMERALD GARDENS" AND SURVEYS NO. 462 AND 7835.

PLAT NOTES:

1. THIS PLAT IS SUBJECT TO THE CONDITIONS OF CANBY PLANNING AND BUILDING DEPARTMENT CASE FILE NO. _____

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, F. RONALD PACHOLL AND CHERROL G. PACHOLL, THE OWNERS OF THE LAND REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THE ANNEXED MAP TO BE A CORRECT MAP OF THE PARTITION OF SAID PROPERTY AND THAT WE HAVE CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED AS SHOWN IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF OREGON REVISED STATUTES AND FURTHERMORE DOES NOT CLAIM ANY PROPERTY BEYOND THE BOUNDARY AS SHOWN HEREON. THIS PLAT IS SUBJECT TO RESTRICTIONS AS NOTED HEREON.

 F. RONALD PACHOLL

 CHERROL G. PACHOLL

ACKNOWLEDGEMENT:

STATE OF OREGON }
 COUNTY OF _____ } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ BY F. RONALD PACHOLL AND CHERROL G. PACHOLL.

 NOTARY SIGNATURE

 NOTARY PUBLIC - OREGON

COMMISSION NO.: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE:

I, TOBY G. BOLDEN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, SAID LAND BEING DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN THE S.E. 1/4 OF SECTION 33, T.3S., R.1E., W.M., CITY OF CANBY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, SAID POINT BEING A 5/8 INCH BY 3/8 INCH IRON ROD WITH A RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" SET AT THE MOST NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 94-068356, CLACKAMAS COUNTY DEED RECORDS, BEING NORTH 89°48'16" EAST, 88.81 FEET FROM A 1-INCH IRON PIPE FOUND AT THE SOUTHEAST CORNER OF "EMERALD GARDENS" PLAT NO. 4445, CLACKAMAS COUNTY PLAT RECORDS; THENCE SOUTH 26°55'20" EAST ALONG THE WESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2008-041023, CLACKAMAS COUNTY DEED RECORDS, 171.96 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF NE 3RD AVENUE, BEING 40.00 FEET IN WIDTH; THENCE SOUTH 63°00'54" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, 77.58 FEET TO THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2010-050318, CLACKAMAS COUNTY DEED RECORDS; THENCE NORTH 26°48'22" WEST ALONG SAID EASTERLY LINE AND THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 79-21712, CLACKAMAS COUNTY DEED RECORDS, 210.89 FEET TO THE SOUTH RIGHT OF WAY LINE OF NE 4TH AVENUE, BEING 15.00 FEET SOUTH OF THE CENTERLINE WHEN MEASURED AT RIGHT ANGLES; THENCE NORTH 89°48'16" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 86.38 FEET TO THE INITIAL POINT.

CONTAINS 14,814 SQUARE FEET.

SIGNED ON: 07 APR 2017

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377LS

RENEWS: DECEMBER 31, 2017

APPROVALS:

APPROVED THIS _____ DAY OF _____, 2017
 CITY OF CANBY PLANNING AND BUILDING DEPARTMENT

BY: _____
 DIRECTOR, PLANNING DEPARTMENT

APPROVED THIS _____ DAY OF _____, 2017

CLACKAMAS COUNTY SURVEYOR

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID THROUGH JUNE 30, _____ APPROVED THIS _____ DAY OF _____, 2017

CLACKAMAS COUNTY ASSESSOR AND TAX COLLECTOR

BY: _____
 DEPUTY

STATE OF OREGON }
 COUNTY OF CLACKAMAS } SS

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD ON THE _____ DAY OF _____, 2017, AT _____ O'CLOCK ____ M.

AS PARTITION PLAT NO. _____

DOCUMENT NO. _____

SHERRY HALL, CLACKAMAS COUNTY CLERK

BY: _____
 DEPUTY


CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M: \PROJECTS\PACHOLL-3RD AVE-NE-496\dwg\PARTITION.dwg

CITY OF CANBY –COMMENT FORM

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter addressing the Planning Commission. Please send comments to the City of Canby Planning Department:

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE 2nd Avenue
E-mail: eplingd@canbyoregon.gov

Written comments to be included in the Planning Commission's meeting packet are due by Noon on Wednesday, April 26, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, May 8, 2017 and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 222 NE 2nd Avenue.

Application: MLP 17-01 - Pacholl

COMMENTS:

RECOMMEND APPROVAL WITH THE FOLLOWING CONDITIONS:
* 496 NE 3RD AVE

- 1) INSTALL CONCRETE DRIVEWAY TO CODE TO ELIMINATE DIRT AND GRAVEL FROM SPREADING ON NE 3RD
- 2) REMOVE AND/OR REPLACE FENCE IN FRONT SETBACK AS IT DOESN'T MEET CODE
- 3) ENSURE PROPER CLEARANCE EXISTS BEHIND POLE IN SIDEWALK. IF NOT, INSTALL CONCRETE TO CORRECT ISSUE.

* 491 NE 4TH AVE

- 1) REMOVE ~~BAR~~PORTABLE GARDEN SHED AS IT DOESN'T MEET SETBACK REQUIREMENTS.

Please check one box and fill in your Name/Agency/Date below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available
- No Comments

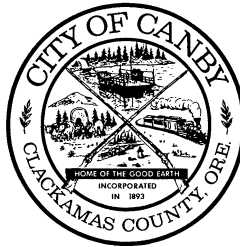
NAME: JASON BRISTOL

AGENCY: NEIGHBOR

DATE: 4/20/17

Thank you!

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY**



**A REQUEST FOR A MINOR)
LAND PARTITION)
496 NE 3RD AVENUE AND)
491, 493 NE 4TH AVENUE)**

**FINDINGS, CONCLUSION & FINAL ORDER
MLP 17-01
F. RON & CHERROLL PACHOLL**

NATURE OF THE APPLICATION

The applicant proposes to partition an existing 0.34 acre (14,810 square foot) parcel into two parcels containing approximately 5,571 square foot and 8,243 square foot each. An existing single-family home is to remain on proposed 5,571 square foot Parcel 1, and proposed Parcel 2 will contain an existing duplex. Existing driveways will access the three dwellings. The property is situated within the R-2, High Density Residential Zone, as defined with Chapter 16.20 of Canby Municipal Code (CMC) and is designated High Density Residential (HRD) in the City of Canby Comprehensive Plan.

HEARINGS

The Planning Commission considered application MLP 17-01 after the duly noticed hearing on May 8, 2017 during which the Planning Commission approved MLP 17-01. These Findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a Minor Land Partition application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated May 8, 2017 and presented at the May 8, 2017 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Minor Land Partition application and applied Conditions of Approval in order to ensure that the proposed development will meet all required *City of Canby Land Development and Planning Ordinance* approval criteria.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the additional findings concluded at the public hearing and noted herein, concluding that the Minor Land Partition/Lot Line Adjustment Application meets all applicable approval criteria, and recommending that File #MLP 17-01 be approved with the Conditions of Approval reflected in the written Order below

ORDER

The application meets the requirements for Minor Land Partition approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP 17-01** is approved, subject to the following conditions:

CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. The applicant is responsible for determining if existing utility service to all existing structures will need to be relocated or protected by private easement as a result of this partition.
2. All work associated with the new paved driveway access or utility installations shall secure a street construction permit and comply with City current Public Works Design Standards.
3. Any utility easement to serve Parcel 1 and Parcel 2 shall be shown on the recorded partition plat and a shared access and maintenance agreement recorded with the plat.
4. The applicant shall pave the existing gravel driveway at least 20 feet back from the right-of-way frontage on NE 3rd Avenue in order to meet criteria listed in Section 16.10.070(A)(4).

Final Partition Plat Conditions:

5. A final surveyed partition plat shall be prepared by a licensed surveyor for recording the partition plat of record. Prior to recordation with Clackamas County, the plat shall be submitted to the city along with applicable fees for review by the city and other appropriate agencies. The final plat must be submitted to the city within one year of Planning Commission approval or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.

Monumentation/Survey Accuracy Conditions

6. The county surveyor shall verify that the survey accuracy and monumentation requirements set forth in Oregon Revised Statutes and CMC 16.64.070(M) are met prior to the recordation of the final plat. Installation of the front lot monumentation (along and within street rights-of-way) and the replacement of any existing monuments destroyed during improvement installation shall be confirmed by the city engineer or county surveyor prior to the recordation of the partition plat.
7. Monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92. The city engineer or county surveyor shall verify compliance with this condition prior to the recordation of the final plat.

Residential Building Permits Conditions:

8. Construction of all required public improvements and the recordation of the partition plat must be completed prior to the issuance of future building permits.
9. All public improvements shall comply with all applicable City of Canby Public Works Design Standards.

I CERTIFY THAT THIS ORDER that **MLP 17-01 Pacholl** was presented to and approved by the Planning Commission of the City of Canby

DATED this 8th day of May, 2017

John Savory
Planning Commission Chair

Bryan Brown
Planning Director

ATTEST

Laney Fouse
Recording Secretary

ORAL DECISION: May 8, 2017

COMMISSIONER	AYES	NOES	ABSTAIN	ABSENT
JOHN SAVORY				
LARRY BOATRIGHT				
JOHN SERLET				
DERRICK MOTTERN				
TYLER HALL				
SHAWN VARWIG				
ANDREY CHERNISHOV				

WRITTEN DECISION: MAY 8, 2017

COMMISSIONER	AYES	NOES	ABSTAIN	ABSENT
JOHN SAVORY				
LARRY BOATRIGHT				
JOHN SERLET				
DERRICK MOTTERN				
TYLER HALL				
SHAWN VARWIG				
ANDREY CHERNISHOV				

WORKSESSION BACKGROUND MATERIAL

16.08.150 Traffic Impact Study (TIS).

A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities: what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.

B. Initial scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. If a TIS is required, the city will provide the applicant with a "scoping checklist" to be used when preparing the TIS.

C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.

1. Changes in land use designation, zoning designation, or development standard.
2. Changes in use or intensity of use.
3. Projected increase in trip generation.
4. Potential impacts to residential areas and local streets.
5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.
6. Potential impacts to intersection level of service (LOS).

D. TIS General Provisions

1. All transportation impact studies, including neighborhood through-trip and access studies, shall be prepared and certified by a registered Traffic or Civil Engineer in the State of Oregon.

WORKSESSION BACKGROUND MATERIAL

2. Prior to TIS scope preparation and review, the applicant shall pay to the city the fees and deposits associated with TIS scope preparation and review in accordance with the adopted fee schedule. The city's costs associated with TIS scope preparation and review will be charged against the respective deposits. Additional funds may be required if actual costs exceed deposit amounts. Any unused deposit funds will be refunded to the applicant upon final billing.
 3. For preparation of the TIS, the applicant may choose one of the following:
 - a. The applicant may hire a registered Oregon Traffic or Civil Engineer to prepare the TIS for submittal to the city. The city Traffic Engineer will then review the TIS and the applicant will be required to pay to the city any fees associated with the TIS review; or
 - b. The applicant may request that the city Traffic Engineer prepare the TIS. The applicant will pay to the city any fees associated with preparation of the TIS by the city Traffic Engineer.
 4. The TIS shall be submitted with a concurrent land use application and associated with application materials. The city will not accept a land use application for process if it does not include the required TIS.
 5. The city may require a TIS review conference with the applicant to discuss the information provided in the TIS once it is complete. This conference would be in addition to any required pre-application conference. If such a conference is required, the city will not accept the land use application for processing until the conference has taken place. The applicant shall pay the TIS review conference fee at the time of conference scheduling, in accordance with the adopted fee schedule.
 6. A TIS determination is not a land use action and may not be appealed.
- E. TIS Scope.** The city shall determine the study area, study intersections, trip rates, traffic distribution, and required content of the TIS based on information provided by the applicant about the proposed development.
1. The study area will generally comprise an area within a ½-mile radius of the development site. If the city determines that development impacts may extend more than ½ mile from the development site, a larger study area may be required. Required study intersections will generally include (in addition to the primary access points) collector/collector and above intersections with an anticipated peak hour traffic increase of five-percent from the proposed project.

WORKSESSION BACKGROUND MATERIAL

2. If notice to ODOT or other agency is required pursuant to noticing requirements in Chapter 16.89, the city will coordinate with those agencies to provide a comprehensive TIS scope. ODOT may also require a TIS directly to support an OR 99E approach permit application.
- F. TIS Content. A project-specific TIS checklist will be provided to the applicant by the city once the city has determined the TIS scope. A TIS shall include all of the following elements, unless waived by the city.
1. Introduction and Summary. This section shall include existing and projected trip generation including vehicular trips and mitigation of approved development not built to date; existing level and proposed level of service standard for city and county streets and volume to capacity for state roads; project build year and average growth in traffic between traffic count year and build year; summary of transportation operations; traffic queuing and delays at study area intersections; and proposed mitigation(s).
 2. Existing Conditions. This section shall include a study area description, including information about existing study intersection level of service.
 3. Impacts. This section should include the proposed site plan, evaluation of the proposed site plan, and a project-related trip analysis. A figure showing the assumed future year roadway network (number and type of lanes at each intersection) also shall be provided. For subdivision and other developments, the future analysis shall be for the year of proposed site build-out. For proposed comprehensive plan and/or zoning map amendments, the future analysis year shall be 20 years from the date of the City's adopted TSP, or 15 years, whichever is greater.
 4. Mitigation. This section shall include proposed site and area-wide specific mitigation measures. Mitigation measures shall be roughly proportional to potential impacts. See Subsection K below for rough proportionality determination.
 5. Appendix. This section shall include traffic counts, capacity calculations, warrant analysis, and any other information necessary to convey a complete understanding of the technical adequacy of the TIS.
- G. TIS Methodology. The City will include the required TIS methodology with the TIS scope.
- H. Neighborhood Through-Trip Study. Any development projected to add more than 30 through-vehicles in a peak hour or 300 through-vehicle per day to an adjacent residential local street or neighborhood route will be require assessment and mitigation of residential street impacts. Through-trips are defined as those to and from a proposed development that have neither an

WORKSESSION BACKGROUND MATERIAL

origin nor a destination in the neighborhood. The through-trip study may be required as a component of the TIS or may be a stand-alone study, depending on the level of study required in the scoping checklist. The through-trip study shall include all of the following:

1. Existing number of through-trips per day on adjacent residential local streets or neighborhood routes.
2. Projected number of through-trips per day on adjacent residential local streets or neighborhood routes that will be added by the proposed development.
3. Traffic management strategies to mitigate for the impacts of projected through-trip consistent.

If a residential street is significantly impacted, mitigation shall be required. Thresholds used to determine if residential streets are significantly impacted are:

1. Local residential street volumes should not increase above 1,200 average daily trips
2. Local residential street speeds should not exceed 28 miles per hour (85th percentile speed).

I. Mitigation. Transportation impacts shall be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. Mitigation measures may be suggested by the applicant or recommended by ODOT or Clackamas County in circumstances where a state or county facility will be impacted by a proposed development. The city shall determine if the proposed mitigation measures are adequate and feasible. ODOT must be consulted to determine if improvements proposed for OR 99E comply with ODOT standards and are supported by ODOT. The following measures may be used to meet mitigation requirements:

1. On-and off-site improvements beyond required standard frontage improvements.
2. Development of a transportation demand management program.
3. Payment of a fee in lieu of construction, if construction is not feasible.
4. Correction of off-site transportation deficiencies within the study area that are substantially exacerbated by development impacts.

WORKSESSION BACKGROUND MATERIAL

5. Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.

J. Conditions of Approval. The city may deny, approve, or approve with appropriate conditions a development proposal in order to minimize impacts and protect transportation facilities.

1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, traffic channelization, construction of sidewalks, bikeways, accessways, paths, or street that serve the proposed use may be required.
3. The city may require the development to grant a cross-over access easement(s) to adjacent parcel(s) to address access spacing standards on arterials and collector roadways or site-specific safety concerns. Construction of shared access may be required at the time of development if feasible, given existing adjacent land use. The access easement must be established by deed.

K. Rough Proportionality Determination. Improvements to mitigate impacts identified in the TIS shall be provided in rough proportion to the transportation impacts of the proposed development.

1. The TIS shall include information regarding how the proportional share of improvements was calculated, using the ratio of development trips to growth trips and the anticipated cost of the full Canby Transportation System Plan. The calculation is provided below:

Proportionate Share Contribution = [Net New Trips/(Planning Period Trips-Existing Trips)]
X

Estimated Construction Cost

- a. Net new trips means the estimated number of new trips that will be created by the proposed development within the study area.
- b. Planning period trips means the estimated number of total trips within the study area within the planning period identified in the TSP.

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- c. Existing trips means the estimated number of existing trips within the study area at the time of TIS preparation.
- d. Estimated construction cost means the estimated total cost of construction of identified improvements in the TSP. (Ord 1340, 2011)

16.08.160 Safety and Functionality Standards.

The City will not issue any development permits unless the proposed development complies with the city's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. Upon submission of a development permit application, an applicant shall demonstrate that the development property has or will have the following:

- A. Adequate street drainage, as determined by the city.
- B. Safe access and clear vision at intersections, as determined by the city.
- C. Adequate public utilities, as determined by the city.
- D. Access onto a public street with the minimum paved widths as stated in Subsection E below.
- E. Adequate frontage improvements as follows:
 - 1. For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.
 - 2. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.
 - 3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.
- F. Compliance with mobility standards identified in the TSP. If a mobility deficiency already exists, the development shall not create further deficiencies. (Ord 1340, 2011)